

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

GALLATIN COUNTY, MONTANA,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CV 13-43-BU-DLC

ORDER

Before the Court is the parties' Joint Unopposed Motion for Entry of Lodged Consent Decree, and Stipulation for Voluntary Dismissal of Monetary Claims by Plaintiff and Defendant. (Doc. 46.) This action stems from an ownership dispute regarding a portion of Bear Canyon Road in Gallatin County, Montana. (*See generally* Docs. 1; 6.) In resolution of these claims, the parties have lodged a proposed consent decree that would resolve the above-captioned matter. (Doc. 46-1.)

Through the instant motion (Doc. 46) the parties request that this Court enter the lodged consent decree as its final order. (*Id.* at 4; Doc. 46-1 at 18.) In addition, Gallatin County has voluntarily dismissed with prejudice "any claims for monetary relief" advanced in its complaint, including any "claims under the Federal Tort Claims Act and Tucker Act, and any claims for attorneys' fees, expenses, and

costs.” (Doc. 46 at 2.) The United States has accomplished a similar dismissal. (*Id.*)

The Court finds the proposed consent decree is the result of good-faith, arms-length negotiations, and is fair, reasonable, and in the public interest. Specifically, the proposed consent decree constitutes a mutually agreeable resolution of what could otherwise devolve into costly and lengthy litigation. Despite the parties’ request for a hearing (Doc. 46 at 4), having reviewed the proposed consent decree, the Court finds such a hearing unnecessary.

Accordingly, IT IS ORDERED that the motion (Doc. 46) is GRANTED. The Court will sign and enter the proposed consent decree (Doc. 46-1) as its final order in this matter.

IT IS FURTHER ORDERED that Gallatin County’s second and third claims for relief (Doc. 1 at 10–11), the United States’ sole claim for relief (Doc. 6 at 12–15), and any claims for attorneys’ fees, expenses, or costs are DIMISSED WITH PREJUDICE.

Upon the Court’s entry of the consent decree, the Clerk of Court is directed to close the case file.

DATED this 5th day of February 2021.



Dana L. Christensen, District Judge
United States District Court